

STATE OF KANSAS
Department of Health and Environment
Notice of Public Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment (KDHE), Division of Environment, Bureau of Air, will conduct a public hearing at 10:00 a.m. Wednesday, November 4, 2020, to consider the adoption of proposed amended air quality regulation K.A.R. 28-19-720, and revocation of K.A.R. 28-19-719. KDHE will submit the final revocation of K.A.R. 28-19-719 to the U.S. Environmental Protection Agency (USEPA) for approval into the State Implementation Plan (SIP).

Due to recent concerns regarding COVID-19, only remote public participation is available. To participate in the hearing, call (866) 620-7326 and enter conference code 3147467296#. During the hearing, all interested individuals will be given a reasonable opportunity to present their views orally on the proposed regulations. If an individual wishes to give oral comment during the remote hearing, email or mail a written copy of the comment to the email or postal mailing address provided in this notice. In order to give each individual an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit an oral presentation to an appropriate time frame.

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed regulations. All interested individuals are encouraged to submit written comments prior to 5:00 p.m. on the day of the hearing to Douglas Watson, Air Monitoring and Planning Section, Kansas Department of Health and Environment, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366, by email to

kdhe.boaregsipcomments@ks.gov, or by fax to (785) 296-7455.

A summary of the proposed regulations and the estimated economic impact follows:

Summary of Regulations:

K.A.R. 28-19-720. KDHE proposes to amend K.A.R. 28-19-720 to maintain agreement with the USEPA allowing Kansas to be the delegated authority to enforce New Source Performance Standards (NSPS) requirements in the State of Kansas. Adopting these amendments allows KDHE to gain primary enforcement authority over NSPS amendments adopted through June 2017. Without adopting these amendments, KDHE loses primary enforcement capability for these amendments, which will result in a split authority between KDHE and the USEPA for Kansas sources regarding NSPS requirements.

K.A.R. 28-19-719. KDHE proposes to revoke K.A.R. 28-19-719, the Kansas City summertime Reid Vapor Pressure (RVP) regulation. The Kansas City area is attaining the 2015 ozone standard based on 2015-2017, 2016-2018, and 2017-2019 monitoring data, and modeling shows that ozone forming compounds from transportation sources will continue to decrease even without the RVP regulation. The Bureau of Air concludes that a regulation change from summertime 7.0 psi RVP to summertime 9.0 psi RVP gasoline will not interfere with continued attainment of the 2015 ozone standard. The regulation is no longer necessary and is proposed for revocation.

Economic Impact:

The proposed regulations impose no additional costs to the implementing agency, other governmental agencies, units, or the general public.

Questions pertaining to the proposed regulations should be emailed to

kdhe.boaregsipcomments@ks.gov or directed to Douglas Watson at (785) 296-0190. Complete

copies of the proposed regulations and the corresponding regulatory impact statements may be obtained from the KDHE Bureau of Air public notice website at <https://www.kdheks.gov/bar/publicnotice.html> or by emailing a request to kdhe.boaregsipcomments@ks.gov, by contacting Douglas Watson at (785) 296-0190, or by fax to (785) 296-7455.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and the regulatory impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Douglas Watson at (785) 296-0190 or emailing kdhe.boaregsipcomments@ks.gov.

Any updated information on how to participate in the public hearing will be provided on the KDHE Bureau of Air public notice website specified in this notice of hearing.

Lee A. Norman, M.D.

Secretary